

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

Kim Y. Kelly,

Plaintiff,

v.

The George Washington University,

Defendant.

Civil Action No.: 1:13-cv-0411-TSE-TCB

DEFENDANT'S PROPOSED DISCOVERY PLAN

Defendant George Washington University ("Defendant") submits this Proposed Discovery Plan pursuant to Federal Rules of Civil Procedure 16(b) and 26(f), Local Civil Rule 26(A), and the Court's Order, dated June 20, 2013.

Counsel for Defendant sent Plaintiff, who is proceeding *pro se*, a draft Joint Proposed Discovery Plan on July 3, 2013. Defendant's counsel teleconferenced with Plaintiff for approximately 45 minutes on July 8, 2013 to explain the terms of the draft Joint Proposed Discovery Plan. Defendant's counsel also exchanged a number of emails with Plaintiff to explain and revise the draft Joint Proposed Discovery Plan between July 8 and July 10, 2013. Although Defendant's counsel believed at various times that the parties had agreed to all or virtually all of the relevant terms of the draft Joint Proposed Discovery Plan, it appears now that the parties cannot reach agreement. Therefore, Defendant submits the following Proposed Discovery Plan for the Court's consideration:

1. Magistrate Judge: Defendant consents to try this matter in front of a United States Magistrate Judge.
2. Electronically Stored Information: Defendant agrees to cooperate regarding the

resolution of any issues involving the production of electronically stored information.

3. Privileged Information: Defendant proposes that if privileged materials, trial preparation materials, or other protected information is inadvertently produced, the producing Party may timely assert the privilege or protection and obtain the return of the information without a waiver of any applicable privileges pursuant to Federal Rule of Evidence 502. Any Party withholding information on the grounds of privilege shall comply with Rule 26(b)(5).

4. Protective Order: If necessary, Defendant is prepared to negotiate a mutually-agreeable protective order to govern disclosure of confidential information in this litigation, and is prepared to submit it to this Court in compliance with Local Civil Rule 5(C) in a timely fashion.

5. Pre-trial Schedule: Defendant proposes the following:

A. **Initial Disclosures**: The exchange of disclosures required under Rule 26(a)(1) will occur on or before August 1, 2013, with no changes to the form and requirements for these disclosures.

B. **Expert Disclosures**: In accordance with Local Civil Rule 26(D)(2), Plaintiff's Fed. R. Civ. P. 26(a)(2) expert disclosures are due on or before September 16, 2013, Defendant's Fed. R. Civ. P. 26(a)(2) disclosures are due on or before October 16, 2013, and any rebuttal disclosures by Plaintiff are due on or before October 31, 2013.

C. **Dispositive Motions**: The Parties will file any dispositive motions by November 25, 2013.

Respectfully submitted,

/s/ David O'Brien

David O'Brien (VA Bar. No. 14924)

Christopher Calsyn (Admitted *pro hac vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of July, 2013, a true and accurate copy of the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system, and a copy was served via first class U.S. mail on the following:

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/s/ David O'Brien
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